

quinn emanuel trial lawyers | washington, dc

777 Sixth Street NW, 11th Floor, Washington, District of Columbia 20001-3706 | TEL (202) 538-8000 FAX (202) 538-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8120

WRITER'S EMAIL ADDRESS
williamburck@quinnemanuel.com

July 11, 2017

VIA ECF

Alicyn Cooley
Lauren Elbert
Sarah Evans
Assistant United States Attorneys
United States Attorney's Office,
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Nordlicht, et al., 16-cr-640 (DLI)

Dear Counsel:

We write on behalf of Defendant Mark Nordlicht pursuant to the Court's order at the July 7, 2017 status conference that each defendant may supplement Defendant David Levy's July 5, 2017 letter, Dkt. No. 166, with additional requests under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1970), and their progeny. *See* Hr'g Tr. 37–38 (July 7, 2017); Minute Entry, Dkt. No. 171 (“Supplements to Mr. Fodeman’s Brady letter, including valuation issue(s) raised by Mr. Schwartz (former receiver in related civil case), by codefendants are due by July 11, 2017 and are limited to 3 pages in length.”). As the Court noted, we understand that each request in Mr. Levy’s and each other defendant’s letters applies to Mr. Nordlicht as if made by Mr. Nordlicht himself. Hr’g Tr. 37:14–15 (July 7, 2017). Mr. Nordlicht joins those letters and incorporates by reference the requests made in those letters. *See* Dkt. Nos. 166, 172–76. In addition to those requests—and without limiting the government’s ongoing obligation to provide all *Brady/Giglio* Material¹ as it becomes aware of it, Hr’g Tr. 31–32 (July 7, 2017), or Mr. Nordlicht’s right to notify the government of and to receive additional categories of such material—the following items are subject to disclosure:

- Any and all statements (including attorney proffers) by any witness to the U.S.

¹ To the extent not defined in this letter, capitalized terms have the same meaning provided in Mr. Levy’s letter, Dkt. No. 166.

Attorney's Office, the FBI, the USPIS, and/or the SEC² that Mr. Nordlicht, his family, or both had a residence and/or were living in Israel for a period of time, along with any and all Documents or Information reflecting the same.

- Any and all statements (including attorney proffers) made by the individual identified as CW-1 in the June 21, 2016 Affidavit of Craig Minsky in Support of Application for Search Warrant (the "Minsky Affidavit") to the extent they do not contain the specific representations that (1) Platinum Partners did not have sufficient "assets" to meet the "majority" of redemption requests and (2) Platinum Partners "profited greatly" from "fraudulent overvaluations."
- Any and all statements (including attorney proffers) by Bart Schwartz, as Court-appointed Receiver of certain Platinum Partners entities, as well as his employees, representatives, associates, agents, or advisors, to the U.S. Attorney's Office, the FBI, the USPIS, and/or the SEC, regarding any equity or debt position, derivative or hybrid security, and any other investment held by any Platinum Partners entity at any time.
- Any and all Documents or Information reflecting valuations by Bart Schwartz, as Court-appointed Receiver of certain Platinum Partners entities, as well as his employees, representatives, associates, agents, or advisors, of any equity or debt position, derivative or hybrid security, and any other investment held by any Platinum Partners entity at any time.
- Any and all Documents or Information reflecting discussions, interviews, reviews, or investigation by Bart Schwartz, as Court-appointed Receiver of certain Platinum Partners entities, as well as his employees, representatives, associates, agents, or advisors, regarding any aspect of Platinum Partners, including but not limited to its investments, operations, business practices, and/or financial condition.

Sincerely,

/s/ William A. Burck
William A. Burck

cc: Hon. Dora L. Irizarry (by ECF and hand delivery)
All counsel of record (by ECF)

² For the avoidance of doubt, this request calls for any statement, whether memorialized or not, as well as any handwritten notes by any government personnel, including SEC personnel.